

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE JOINT APPLICATION OF GTE MOBILNET )	
INCORPORATED AND CUMBERLAND CELLULAR )	
PARTNERSHIP FOR APPROVAL OF THE )	
TRANSFER OF OWNERSHIP AND CONTROL OF )	CASE NO.
THE CERTIFICATE OF PUBLIC CONVENIENCE )	91-180
AND NECESSITY GRANTED TO GTE MOBILNET )	
INCORPORATED IN CASE NO. 90-306 TO )	
CUMBERLAND CELLULAR PARTNERSHIP )	

O R D E R

On June 6, 1991, GTE Mobilnet Incorporated ("GTE Mobilnet") and Cumberland Cellular Partnership ("Cumberland Cellular") filed a joint application, pursuant to KRS 278.020(4) and (5), requesting approval of the transfer of ownership and control of the Certificate of Public Convenience and Necessity granted to GTE Mobilnet in Case No. 90-306<sup>1</sup> to Cumberland Cellular.

GTE Mobilnet is a Delaware corporation which holds a wireline license from the Federal Communications Commission ("FCC") for Rural Service Area Kentucky 5 - Barren ("RSA 5").

Cumberland Cellular is a Kentucky general partnership formed by GTE Mobilnet and Cumberland Cellular, Inc. Each partner has a 50 percent interest in Cumberland Cellular.

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<sup>1</sup> Case No. 90-306, In the Matter of Application of GTE Mobilnet Incorporated for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Telecommunications Service to the Public in Rural Service Area #5 (Barren) of the Commonwealth of Kentucky.

On October 22, 1990, Cumberland Cellular, Inc. and GTE Mobilnet entered into a partnership agreement which provided for the contemporaneous assignment of the RSA 5 construction permit of GTE Mobilnet to Cumberland Cellular. The application for consent to assignment of the license granted to GTE Mobilnet was filed with the FCC on April 23, 1991.

The Commission previously determined in Case No. 90-306 that GTE Mobilnet has the financial, technical, and managerial qualifications to provide reasonable service within RSA 5. GTE Mobilnet will remain the operating partner with respect to Cumberland Cellular's operations in RSA 5. The proposed transfer will be transparent to the customers of GTE Mobilnet, and Cumberland Cellular will continue to operate under the tariff of GTE Mobilnet Incorporated Kentucky RSA 5 d/b/a Blue Grass Cellular pursuant to its adoption notice filed with this Commission on August 7, 1991. The joint application reflects that the public interest, convenience, and necessity will be served by combining the cellular operation and expertise of GTE Mobilnet with Cumberland Cellular's expertise of the public demographics and presence in the area.

Pursuant to KRS 278.020(4), persons under the jurisdiction of the Commission are required to receive Commission approval prior to the acquisition or transfer of ownership or control of a utility. KRS 278.020(5) prohibits any entity from acquiring control of any utility under the jurisdiction of the Commission without prior approval.

The Commission finds that Cumberland Cellular has the financial, technical, and managerial abilities to provide reasonable cellular telecommunications service to the public in RSA 5 and that the proposed transfer from GTE Mobilnet to Cumberland Cellular is for a proper purpose and consistent with the public interest. The proposed transfer, as described in the joint application, is consistent with the requirements of KRS 278.020(4) and (5) and should be approved.

IT IS THEREFORE ORDERED that:

1. The proposed transfer be and is hereby approved.
2. Cumberland Cellular shall file a copy of the consent to assignment of the license upon receipt from the FCC.
3. Within 30 days of the closing of the proposed transfer, Cumberland Cellular shall give notice to the Commission of the closing.
4. Within 30 days from the date of this Order, Cumberland Cellular shall file its tariff sheets in accordance with 807 KAR 5:011.

Done at Frankfort, Kentucky, this 30th day of September, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

ATTEST:

  
Executive Director

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Commissioner